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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|-------------------------------|------------------|
| 09/955,939 | 09/20/2001 | Jonathan R. Merrill | 033262-003 | 9957 |
| 21839 | 7590 | 06/23/2006 | | |
| BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | EXAMINER RIES, LAURIE ANNE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2176 | |

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|-----------------------------------------------------------------------|-----------------|---------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
| | 09/955,939 | MERRIL, JONATHAN R. | |
| | Examiner | Art Unit | |
| | Laurie Ries | 2176 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


WILLIAM BASHORE
PRIMARY EXAMINER

Applicant's arguments filed 9 June 2006 have been fully considered but they are not persuasive.

Applicant argues on Page 4 of the Instant Amendment that Parasnis fails to teach capturing during the live presentation electronic still images for display. The Office respectfully disagrees. Parasnis teaches that live content from a broadcast presentation may include visual aspects of the presentation, such as a view of the presenter during the live presentation. Parasnis teaches that the view of the presenter captured during the live presentation may be replicated on the plurality of receiving computers thereby enhancing the online presentation (See Parasnis, Column 4, lines 13-17).

Applicant argues on Page 5 of the Instant Amendment that Parasnis fails to teach synchronizing change over from one electronic still image to another with the audio recording. The Office respectfully disagrees. Parasnis teaches that a data stream comprising data corresponding to the live portion of the presentation is generated and streamed to the plurality of receiving computers via the network. Parasnis further teaches that the data stream is produced by encoding digital audio and video signals respectively produced by audio and video capture equipment into an active streaming format (ASF), which is suitable to streaming data over computer networks such as the Internet (See Parasnis, Column 4, lines 27-34). Parasnis further teaches that as the ASF stream is received, it is decoded by a media player module running on each receiving computer, thereby replicating the live content portion of the presentation in real-time (See Parasnis, Column 5, lines 7-15).

Applicant argues on Page 6 of the Instant Amendment that Parasnis fails to teach automatically capturing still image data from an image in response to an initiation and audio data associated with the display of the image. The Office respectfully disagrees. Parasnis teaches that live content from a broadcast presentation may include visual aspects of the presentation, such as a view of the presenter during the live presentation. Parasnis teaches that the view of the presenter captured during the live presentation may be replicated on the plurality of receiving computers thereby enhancing the online presentation (See Parasnis, Column 4, lines 13-17).

William J. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER